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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,033	09/12/2003	Sani El-Fishawy	15814.11.1	6675

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EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,033

Applicant(s)

EL-FISHAWY ET AL.

Examiner

Bing Q. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 28-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's Amendment filed on 10/28/2005 has been entered. Claims 1, 3, 7, 14, 21, 23-24, and 26 have been amended. Claim 27 has been cancelled. No claims have been added. Claims 1-26 and 28-35 are still pending in this application, wherein claims 1, 14, 21, 23 and 26 being independent.

Response to Arguments

2. Applicant's arguments with respect to claims 1-26 and 28-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5, 12-13 and 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al (EP 1 113631 A2) in view of Bergsman (US Pat No. 5,146,487) of record.

Regarding claim 1, referring to figures 1 and 7A-8C, Kung teaches a method of initiating delivery of an instant voice message to a recipient station in a multimedia communication network, wherein both message sender and recipient station may associate with a POTS, a wireless telephone, a PC, a video phone, an IP enable phone, a television or other devices (see figure 1 and col. 5, lns 17-51), comprising:

receiving a message from a sender device, the message including voice content and other multimedia content and designating a recipient (see figs 7A-7B; and col. 39, ln 30-col. 40, ln 35);

extracting the voice content from the message (see figs 7A-7B; and col. 39, ln 30-col. 40, ln 35);

storing the voice content in an interactive voice response system (IVR) such as announcement server 220 or multimedia server 222 (see figs 1 and 7A-7B; and col. 39, ln 30-col. 40, ln 35) (see figs 7A-7B; and col. 39, ln 30-col. 40, ln 35);

initiating transmission of a Short Message Service (SMS) notification to the recipient station, the SMS notification including information permitting the recipient to access the IVR system such as announcement server 220 or multimedia server 222 (see figs 7B-8C; and col. 40, ln 32-col. 43, ln 40); and

in response to the IVR system such as announcement server 220 or multimedia server 222 receiving a request for the stored voice content, transmitting the stored voice content from the IVR system to the recipient station (see figs 7B-8C; and col. 40, ln 32-col. 43, ln 40).

In Kung, leaving a message to a called recipient as a result of an unsuccessful call to the called party placed by a calling party that differs from claimed invention where the calling party does not need to place the call to the called party that resulting in leaving the message. However, Bergsman a system and method in which a calling party placing a call to a voice mail system, leaving a message for a called recipient and requesting the voice mail system to deliver his message to the called recipient (see Abstract; and figures 1-2; and col. 1, ln 33-col. 4, ln 64). Therefore, integrating Bergsman's teachings into communication system of Kung would be convenient especially for communication that does not require urgent contact such as socialized greetings.

Regarding claim 2-5, 12-13 and 26-35, see Kung, figs 7B-8C; and col. 40, ln 32-col. 43, ln 40; and Bergsman, Abstract; and figures 1-2; and col. 1, ln 33-col. 4, ln 64.

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6. Claims 6-11 and 14-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al (EP 1 113631 A2) in view of Bergsman (US Pat No. 5,146,487), and further in view of Helferich (US Pat No. 6,636,733).

Regarding Claims 6-11 and 14-25, the combined system of Kung and Bergsman teaches the invention substantially as claimed, with the exception of providing the method of recording a reply message that is created by the recipient and is to be delivered to the sender of the instant voice. However, this missing step has been taught by Helferich (see col. 2, lns 9-53). Therefore, integrating Helferich's teachings into the combined system of Kung and Bergsman would be useful especially for important message received from the message sender by the message recipient.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

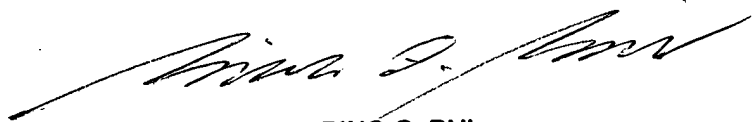
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (571) 272-7482.

The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

08 Jan 2006



BING Q. BUI
PRIMARY EXAMINER